

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EMSAT ADVANCED GEO-LOCATION TECHNOLOGY, LLC)	CASE NO. 4:08 CV 00822
)	
and)	JUDGE JOHN R. ADAMS
)	
LOCATION BASED SERVICES LLC,)	
)	
Plaintiffs/Counterdefendant,)	
)	
v.)	
)	
AT&T MOBILITY LLC f/k/a)	
CINGULAR WIRELESS LLC,)	
)	
Defendant/Counterclaimant.)	

**UNOPPOSED MOTION FOR LEAVE TO FILE
AMENDED ANSWER AND COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 15(a) and Local Rule 7.1, defendant AT&T Mobility LLC moves for leave to file an Amended Answer and Counterclaim, attached hereto as Exhibit A. This is AT&T Mobility's first proposed amendment to its answer, which was filed on July 25, 2008.

A red-lined version of the amended pleading, showing changes from the existing pleading, is attached as Exhibit B. The amended pleading adds the defenses of prosecution laches (Ninth Defense); inequitable conduct (Tenth Defense); and indemnification, offset, and estoppel (Eleventh Defense).

Plaintiffs' counsel has consented to the proposed amendment. *See* Exhibit C. Federal Rule of Civil Procedure 15(a)(2) provides that after a responsive pleading is filed (and plaintiffs have filed an answer to AT&T Mobility's counterclaim), "a party may amend its pleading only with the opposing party's written consent or the court's leave." Because plaintiffs have

consented to this amendment, AT&T Mobility should be permitted to file its Amended Answer and Counterclaim.

Dated: September 22, 2008.

Respectfully submitted,

By: /s/ Jennifer B. Wick

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CERTIFICATE OF SERVICE

A copy of the foregoing UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED ANSWER AND COUNTERCLAIMS was filed electronically this 22nd day of September, 2008. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Jennifer B. Wick
One of the Attorneys for Defendant